

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, : Hon. Robert B. Kugler
Plaintiff(s), : Criminal No. 13-00021(RBK)
ANDREW CLARKE, :
Defendant(s). :

OPINION

Andrew Clarke, proceeding pro se, brings three matters before the United States District Court:

- 1) "Motion Directed to the Court For Ministerial Records Maintained in the Regular Course of Business Record By The Honorable Clerk of Court. Deposition for Ministerial Records." (document 311);
- 2) "Praecipe For Rule" (document 314); and
- 3) "Independent Action Pursuant to Rule 60(d) of the Federal Rules of Civil Procedure; seeking Relief from an Indictment Based on Fraud on the Court." (document 310)

As to the background of these matters, Clarke was convicted by a jury on July 8, 2015, and was sentenced to a term of imprisonment on June 23, 2016. He filed an appeal with the United States Court of Appeals on July 6, 2016, after the court denied his motion for a new trial on June 29, 2016.

The appeal divests this court of jurisdiction. These applications are merely the latest in a long series of motions brought by Mr. Clarke, sometimes while represented but often times pro se before, during and after trial.

Nevertheless, this court denies all these applications. The “Ministerial Records” request has been complied with numerous times. Mr. Clarke has a copy of the indictment and the docket sheet. So he knows what he was charged with (and convicted of) and when the United States Grand Jury returned the Indictment. “Praecipe” is not a term used in the Federal Rules of Criminal Procedure or any federal statute the court is aware of and thus the court could not grant any relief. Federal Rule of Civil Procedure 60(b) has absolutely no application to a convicted and sentenced prisoner whose case is on appeal.

Thus even if this court retained jurisdiction to entertain these matters, it would deny all of them.

s/Robert B. Kugler

ROBERT B. KUGLER
United States District Judge

Dated: December 12, 2017